

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

FANNIE ROBBINS

Claimant

VS.

ST. FRANCIS HOSPITAL

Respondent,
Self-Insured

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Docket No. 1,006,170

ORDER

On December 3, 2002, respondent filed a motion with the Division of Workers Compensation requesting this Board to reconsider its November 26, 2002 Order. The motion contends the Board did not consider respondent's brief to the Board.

The Board has consistently held, and continues to hold, that the Workers Compensation Act does not provide for motions for reconsideration. Accordingly, the Board must deny the request to reconsider the November 26, 2002 Order. Furthermore, briefs are merely argument, not evidence.

Nonetheless, respondent is not without relief. As provided by the Act, preliminary hearing findings are not final but subject to modification upon a full hearing of the claim.¹

WHEREFORE, the Board denies respondent's request to reconsider the Board's November 26, 2002 Order.

IT IS SO ORDERED.

¹ K.S.A. 44-534a.

Dated this ____ day of December 2002.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Jan L. Fisher, Attorney for Claimant
Evelyn Z. Wilson, Attorney for Respondent
Brad E. Avery, Administrative Law Judge
Director, Division of Workers Compensation